

REMARKS

Claims 1, 2, 4, 6-8, 10, 12, 14-16, and 41-44 are pending. The Office Action dated September 8, 2004 has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

*Claim Rejections under 35 U.S.C. §112*

Claim 7 stands rejected under 35 U.S.C. §112, first paragraph, as assertedly not complying with the written description requirement. Insofar as it may be applied against the Claim, this rejection is respectfully traversed.

The Examiner asserts that “pieces of the second material are sharpened before inserting them into each channel” is not adequately described. However, on page 4, line 22, Applicant explicitly states that the “after the cutting blade is secured into the cutting blade holder, the cutter *may* be sharpened.” (Emphasis added.) In order for the present invention of Claim 7 to perform adequately, the blades are sharpened. Thus, there are only two situations where the blades can be sharpened: before securing and after securing. Thus, if the cutting blades may be sharpened after securing the cutting blades to the cutting blade holder, then the cutting blades may be sharpened before the cutting blades are secured to the cutting blade

holder. Therefore, Applicant respectfully asserts that all elements of the present invention of Claim 7 comply with the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

*Claim Rejections under 35 U.S.C. §102(b)*

Claims 1, 2, 5-10, 12-16, 41-43, and 44 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 5,947,805 to Van Osenbruggen (“Van Osenbruggen”). Insofar as they may be applied against the Claims, these rejections are overcome.

Rejected independent Claims 1 and 9 as now amended more particularly recite one of the distinguishing characteristics of the present invention, namely, “forming a cutting plane parallel to the plane defined by at least one face of the cutting blade holder for cutting extruded materials.” (Emphasis added.) Support for this Amendment can be found, among other places, page 4, lines 22-25, page 1, lines 4-6, and FIGURES 3 and 4 of the original Application.

Van Osenbruggen does not teach, suggest, or disclose forming a cutting plane parallel to the face for cutting extruded materials. Specifically, Van Osenbruggen describes a rotary cutting disc for use in a hand-held angle grinder. The rotary disc employs a number of carbide inserts 102 alongside a throat 305. This specific configuration allows the disc to use teeth 800, shown in FIG. 8, to individually and independently bite into surface material and

expel the material through the throat 305. In fact, Van Osenbruggen's disc is designed to approach surface material at an angle as seen in FIG. 22 to perform the grinding. Therefore, Van Osenbruggen's disc allows for manual grinding control over a very small area but is not intended for automated cutting of extruded materials.

The present inventions of Claims 1 and 9, however, are not intended for grinding. The blades of the present inventions of Claims 1 and 9 utilize a single cutting plane to precisely and repeatedly cut extruded materials. Thus, by providing a planar cutting surface, the present inventions of Claims 1 and 9 provide repeatable, flat cuts for large amounts of extruded materials that Van Osenbruggen does not.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach or suggest the unique combination now recited in amended Claims 1 and 9. Applicant therefore submits that amended Claims 1 and 9 are clearly and precisely distinguishable over the cited reference in a patentable sense, and are therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejections of Claims 1 and 9 under 35 U.S.C. § 102(b) in view of Van Osenbruggen be withdrawn and that Claims 1 and 9 be allowed.

Claims 2, 6-8, 41, and 43 depend on and further limit amended Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance.

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Claims 10, 14-16, 42, and 44 depend on and further limit amended Claim 9. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance.

Rejections Under 35 U.S.C. §103(a)

Claims 4 and 12 stand rejected under 35 U.S.C. §103(a) in view of Van Osenbruggen and U.S. Patent No. 5,054,354 to Kubis ("Kubis"). Insofar as they may be applied against the Claims, these rejections are overcome.

Claim 4 depends on and further limits amended Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance.

Claim 12 depends on and further limits amended Claim 9. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance.

Conclusion

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1, 2, 4, 6-8, 10, 12, 14-16, and 41-44.

Applicant has included a check in the amount of nine hundred and five dollars (\$905.00) to cover a three (3) month extension of time fee and a fee for a Request for Continued Examination (RCE) under 37 C.F.R. §1.114. In the event that any fees are due,

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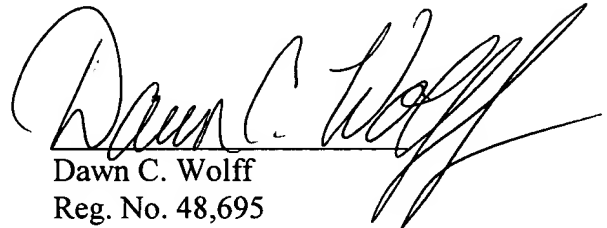
the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should the Examiner require any further clarification to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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